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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA, ) No. CR 18-00126 LHK

17 Plaintiff, ) UNITED STATES' SENTENCING  
18 v. ) MEMORANDUM

19 RAJENDRA PRASAD GEDA, )

20 Defendant. )

21 The United States respectfully requests this Court accept the plea agreement entered on October  
22 23, 2019 pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. The plea agreement  
23 reflects the reasoned judgment of the parties in consideration of the offense conduct, the harm to the  
24 victim, and the serious consequences to Mr. Geda through his acceptance of responsibility.

25 Through the plea agreement, Mr. Geda admitted to intentionally accessing without permission  
26 the internal computer network infrastructure of his former employer. He admitted that he caused serious  
27 injury to his former employer. He agreed that he acted recklessly, and that such conduct is punishable as  
28 a felony. He consents to a term of home confinement and extended term of supervised probation. Mr.  
Geda apologized to his former employer, and recognized that his actions betrayed the trust of his former

1 employer. Through his acceptance of responsibility, Mr. Geda and his former employer negotiated a  
2 stipulated restitution amount of \$70,000, which Mr. Geda agreed to repay within 90 days of sentencing.

3 A felony conviction imposes substantial collateral consequences to Mr. Geda. A felony  
4 conviction under 18 U.S.C. § 1030 will create substantial barriers to Mr. Geda's ability to work in his  
5 professional field. This felony conviction may also impact his and his family's ability to reside in the  
6 United States. Mr. Geda is not a citizen of the United States, and this conviction will likely influence his  
7 visa. His wife's status is apparently tied to Mr. Geda's status, and she and their eight-month old son  
8 may lose the opportunity to remain in the United States after his conviction. The consequences to Mr.  
9 Geda's wife and young son as a result of his criminal conduct are severe.

10 The government agrees with the Total Offense Level and Criminal History Category identified in  
11 the Presentence Investigation Report. The government respectfully recommends, as recognized by the  
12 Probation Officer, that a sentence of three years of probation with six months of home confinement with  
13 location monitoring satisfies the sentencing factors identified under 18 U.S.C. § 3553(a)(1) and (2). The  
14 felony computer intrusion conviction under 18 U.S.C. § 1030 impacts Mr. Geda's chosen professional  
15 prospects in the computer and information technology field. This felony conviction impacts Mr. Geda's  
16 chosen residency opportunities. The ripple effects extend beyond Mr. Geda to include his wife and  
17 small child.

18 It does not appear the conduct was done for Mr. Geda's personal financial gain. He has no prior  
19 convictions, and is not likely to reoffend in the future. Mr. Geda and his former employer negotiated a  
20 restitution amount in his attempt to repay the victim for the harm he caused, and he agreed to repay the  
21 amount within 90 days of sentencing. Many persons in his position, facing potential loss of employment  
22 and loss of residency, may accept a default judgment. His willingness to make good on restitution is  
23 another factor in favor of his acceptance of responsibility. The government does not believe that a  
24 custodial sentence is necessary as just punishment in this instance.

25 This felony conviction also satisfies the sentencing objective of general deterrence, and the  
26 proposed sentence reflects the seriousness of the offense. Persons thinking of intentionally trespassing  
27 the private networks of former employers, or any other entity, and damaging those networks, even  
28

1 recklessly, will be held to answer for violating federal computer intrusion statutes. Conviction of such  
2 statutes could result in loss of liberty, loss of money or property, loss of status in the United States, and  
3 loss of personal and professional reputation.

4 The United States asks the Court to accept the plea entered under Rule 11(c)(1)(C) and sentence  
5 Mr. Geda according to the agreement entered between the parties.

6  
7 DATED: January 29, 2020

Respectfully submitted,

8 DAVID L. ANDERSON  
9 United States Attorney

10 /s/  
11 DANIEL KALEBA  
12 Assistant United States Attorney